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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.908/2000.

Bhagyodaya Steels (Pvt.) Ltd. **VERSUS**

RIICO & Anr.

14.11.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.G.K.Garg, for the petitioner.
Mr.A.K.Bhandari, for the respondents.

The petitioner in this writ petition has made the following prayer:-

"(a) issue a writ of mandamus or a writ, order or direction of similar nature directing the respondent Corporation not to sell the assets of the petitioner company except at the prevailing market price to be determined on the basis of valuation by the chartered engineer.

(b) issue a writ of mandamus or a writ, order or direction of similar nature directing the respondent Corporation to consider the proposal of revival of the factory of the petitioner company in accordance with law.

(c) this Hon'ble Court may further in the alternative direct the respondent Corporation to consider the proposal of the petitioner company for a one time settlement of outstanding dues.

(d) issue any other appropriate, order or direction that may be deemed just and proper in the facts and circumstances of the case in favour of the petitioner company.

(e) award the cost of the petition in

favour of the petitioner company."

Learned counsel appearing on behalf of the respondents submitted that during the pendency of the writ petition, the property of the petitioner which is the subject matter of this writ petition and which was advertised vide advertisement in question has already been put to auction and sold.

In view of the above, I am of the opinion that no relief, as prayed for, can be granted to the petitioner.

Learned counsel for the petitioner submits that in such situation, the petitioner is entitled to seek damages against the respondents. So far as the prayer of the learned counsel for the petitioner regarding the award of damages is concerned, the same cannot be ascertained and quantified in the writ jurisdiction under Article 226 of the Constitution of India as it would involve the question pertaining to quantification based upon the evidence.

In view of the above, the writ petition is disposed of as having become infructuous. However, if the petitioner desires to pursue the remedy for the award of damages, the petitioner is at liberty to take the recourse in the remedy under law for the grant of damages in that behalf.

Subject to the above, the writ petition as well as the stay application stand disposed of.

(DALIP SINGH), J.

Solanki DS, Jr.P.A.